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Attorneys for Defendants  
**MARLENE L. GRANGAARD,**  
individually and as Trustee of the  
**MARLENE L. GRANGAARD REVOCABLE LIVING TRUST,**  
dba CLAM BEACH INN, aka CLAM DIGGER BAR

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

## GENE PLYLEY.

**Plaintiff,**

vs.

MARLENE L. GRANGAARD, individually and as Trustee of the MARLENE L. GRANGAARD REVOCABLE LIVING TRUST, dba CLAM BEACH INN, aka CLAM DIGGER BAR, and DOES ONE to FIFTY, inclusive.

## Defendants.

Case No. CV 12-5825 WHA

**(Proposed) ORDER REGARDING SCOPE  
OF JOINT SITE INSPECTION**

Hearing Date: 4/2/13  
Time: 1:30 p.m.  
Courtroom: 9

Honorable William Alsup

In a letter dated March 22, 2013, plaintiff's counsel Jason Singleton requested resolution of a discovery dispute regarding the scope of the joint inspection in this matter. On March 25, 2013, the Court issued an Order Setting Hearing Re Plaintiff's Discovery Dispute. In compliance with the Order, defendants' counsel Laura S. Flynn submitted a responsive letter on March 29, 2013 and the parties participated in a three hour meet-and-confer session on April 2, 2013 from 10:00 a.m. to 1:30 p.m. A hearing was conducted at 1:30 p.m. Jason Singleton appeared on behalf of plaintiff Gene Plyley. Laura S. Flynn appeared on behalf of defendants Marlene L. Grangaard, individually and as Trustee.

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Based on a review of the letters submitted by the parties and oral argument, the Court finds that an inspection of the convenience store adjacent to the Clam Digger Bar is not warranted at this time. Plaintiff's complaint does not contain any allegations relating to plaintiff's intent to patronize the convenience store.

Dated: April 4, 2013

By

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Honorable William Alsup